

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RICHARD NATHANIEL QUINN,)
)
 Plaintiff,)
)
v.) 1:09CV176
)
MAJOR WAYNE JAMES, et al.,)
)
 Defendant(s).)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on March 18, 2009, was served on the parties in this action. Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Plaintiff's complaint [Doc. 2] be, and the same is hereby, **DISMISSED** for being frivolous or malicious or for failing to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B).

IT IS FURTHER ORDERED that Plaintiff's motion for appointment of counsel [Doc. 7] be **DENIED** for lack of good cause. A Judgment dismissing this action will be entered contemporaneously with this Order.

William L. Osteen, Jr.
United States District Judge

Date: July 2, 2009